

REMARKS

Status of the claims

Prior to the amendments set forth herein, Claims 9-33 were pending. Claims 9-14 and 30-33 stand rejected, and Claims 15-29 have been withdrawn from consideration.

Claims 1-8 and 30 were previously canceled. To facilitate prosecution, Claims 9, 10, 15-29, and 31-33 have been canceled. The applicants reserve the right to present the canceled claims in one or more separate applications.

Voluntary amendments to facilitate prosecution leading to allowable claims

The Examiner did not enter the amendments set forth in the amendment filed on September 6, 2007, because they raise new issues which would require a new search or further consideration, and would not place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

The Examiner asserted that a new limitation which relates to a reporter nucleic acid comprising a DNA segment, which is at least 98% identical to and having the same reporter function as nucleotides 3006-4336 of SEQ ID NO:1 contiguous to nucleotides 1-243 of SEQ ID NO:1, was not considered during earlier prosecution, and would raise new issues requiring further consideration. The Examiner also stated that entry would require rejoinder and consideration of process claims which depend from Claim 11 for compliance under 35 U.S.C. § 112. A new search and consideration would be required, for example, to determine if the application has enabled claims relating to methods of identifying pharmaceutical compounds, such as those recited in Claim 22.

The Examiner noted that Claim 11, as amended, appears to be allowable. Claims 12-14, which directly or indirectly depend from Claim 11, by implication then, would also appear to be allowable.

Although the Examiner did not address Claim 9 directly in the Advisory Action, this claim, which was previously amended, is very similar to Claim 11. Claim 9 recites a zebrafish cell and Claim 11 recites a transgenic zebrafish, both comprising a DNA segment consisting of nucleotides 3005-4336 of SEQ ID NO:1 contiguous to nucleotides 1-243 of SEQ ID NO:1. The Examiner and the applicants' representative held a brief telephone interview regarding this issue on October 10, 2007, which is summarized in the co-filed applicants' Statement of Substance of Interview.

Claims 11-14 do not recite limitations relating to 98% sequence identity, as noted above. Claims 9, 10, 15-29, and 31-33 have been canceled to facilitate prosecution, which would put the application in better condition for allowance. Claims 1-8 and 30 were canceled in earlier responses.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is believed that Claims 11-14 are in condition for allowance. Entry of the foregoing amendments and favorable action are requested. Please contact the applicants' representative at the number set forth below to discuss any issues that will facilitate the prosecution of this application.

Respectfully submitted,



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